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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
TARNISHIA PAUL,)
)
Defendant.)

No. 05-674 PJH

~~PROPOSED~~ ORDER AND STIPULATION
EXCLUDING TIME FROM OCTOBER 28,
2005 TO DECEMBER 7, 2005 FROM THE
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A))

The parties appeared before the Honorable James Larson on October 28, 2005 and before the Honorable Phyllis J. Hamilton on November 2, 2005. With the agreement of the parties at those two hearings, and with the consent of the Defendant, the Court enters this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from October 28, 2005 to December 7, 2005, and scheduling a further status hearing on December 7, 2005 at 1:30 p.m.

The parties agreed, and the Court hereby holds, as follows:

1. The Defendant agreed to an exclusion of time under the Speedy Trial Act. The government has not yet fully provided discovery and is continuing its investigation, as discussed at the sidebar during the November 2, 2005 hearing. In addition, counsel for the Defendant will be out of town for one week in November. Failure to grant the requested continuance would

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1 unreasonably deny both government and defense counsel reasonable time necessary for effective
2 preparation, taking into account the exercise of due diligence, and would deny the Defendant
3 continuity of counsel.

4 2. Given these circumstances, the Court finds that the ends of justice served by excluding
5 the period from October 28, 2005 to December 7, 2005, outweigh the best interest of the public
6 and the Defendant in a speedy trial. Id. § 3161(h)(8)(A).

7 3. Accordingly, and with the consent of the defendant, the Court orders that the period
8 from October 28, 2005 to December 7, 2005, be excluded from Speedy Trial Act calculations
9 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

10 4. The Court hereby schedules a further status date of December 7, 2005, at 1:30 p.m.,
11 before the Honorable Phyllis J. Hamilton.

12 IT IS SO STIPULATED.

13 DATED: _____ 11/2/05 _____


_____/S/
TRACIE L. BROWN
Assistant United States Attorney

15 DATED: _____

_____/S/
RONALD C. TYLER
Attorney for TARNISHIA PAUL

18 IT IS SO ORDERED.

19 DATED: _____ 11/8/05 _____



THE HON. PHYLLIS J. HAMILTON
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

[PROPOSED] ORDER AND STIPULATION EXCLUDING TIME FROM OCTOBER 28, 2005 TO DECEMBER 7, 2005 FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161(h)(8)(A))

to be served this date on the party(ies) in this action,

Via Hand Delivery
RONALD TYLER
Assistant Federal Public Defender
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: November 7, 2005

_____/S/
Ponly J. Tu
Legal Assistant (Immigration)
U.S. Attorney's Office